

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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LLOYD BACKUS,

Plaintiff,

-against-

KATHLEEN SEBELIUS, Secretary
of the U.S. Department of Health
and Human Services,

Defendant.
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JUDGMENT

09-CV-4304 (NGG)

An Order of Honorable Nicholas G. Garaufis, United States District Judge, having been filed on August 26, 2010, reversing the portion of the Secretary's final decision denying Medicare reimbursement for certain services provided to plaintiff by the Glengariff Health Care Center ("Glengariff") from January 19, 2008 to February 25, 2008 (referred to herein as "GlengariffClaim"), pursuant to 42 U.S.C. § 1395w-22(g)(5), which incorporates by reference the provisions of 42 U.S.C. § 405(g); remanding plaintiff's claims regarding the GlengariffClaim for further administrative proceedings, including a new hearing and a new decision; ordering that on remand, the Administrative Law Judge will: (1) develop the record, particularly concerning the nursing home records for the 37-day period that was not covered by the Meidcare plan; (2) reconsider plaintiff's claim that he continued to improve throughout the period in dispute; and (3) issue a new decision; and directing the Clerk of Court to enter judgment dismissing the Glengariff Claim; it is

ORDERED and ADJUDGED that pursuant to 42 U.S.C. § 1395w-22(g)(5), which incorporates by reference the provisions of 42 U.S.C. § 405(g), that the portion of the

JUDGMENT
09-CV- 4034 (NGG)

Secretary's final decision denying Medicare reimbursement for certain services provided to plaintiff by the Glengariff Health Care Center ("Glengariff") from January 19, 2008 to February 25, 2008 (referred to herein as the "GlengariffClaim") is reversed; that plaintiff's claims regarding the GlengariffClaim is remanded for further administrative proceedings, including a new hearing and a new decision; and that it is further,

ORDERED and ADJUDGED that on remand, the Administrative Law Judge will: (1) develop the record, particularly concerning the nursing home records for the 37-day period that was not covered by the Medicare plan; (2) reconsider plaintiff's claim that he continued to improve throughout the period in dispute; and (3) issue a new decision; and that it is further,

ORDERED and ADJUDGED that pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, judgment is hereby entered dismissing the Glengariff Claim.

Dated: Brooklyn, New York
August 31, 2010

s/Robert C. Heinemann

ROBERT C. HEINEMANN
Clerk of Court